



Transportation Permits Policy Memorandum

To: Region Managers and Permits Personnel
From: Rich Williams, P.E., *Chief*
Transportation Permits Branch
Subject: *Compliance Program* - Immediate Suspensions of Permit Privileges for Gross Permit Violations

Date: April 21, 2000

Policy: TPPM 2000-1

Objective

To establish policy relating to the implementation of immediate suspensions for gross permit violations.

Existing Documentation

The following sources contain information related to this subject:

California Vehicle Code (CVC), 1999

Division 15 - Size, Weight, and Load

Section 35782 (a) The Department of Transportation or a local authority may issue or withhold the permit at its discretion, or, if the permit is issued, do any of the following when necessary to protect against injury to the road, foundations, surfaces, or structures:

- (1) Limit the number of trips.
- (2) Establish seasonal or other time limitations within which the vehicle or vehicles described may be operated on the highways indicated.
- (3) Otherwise limit or prescribe conditions of operation of the vehicle.

Transportation Permits Manual (TPM)

Chapter 7 – Transportation Permits Compliance Program

700 General

The objective of the Compliance Program is to prescribe a uniform and equitable basis for suspending or withholding permit privileges in order to encourage full compliance with all terms and conditions of each permit issued.

702.2.4 Gross Violations

Gross violations are deemed to be the following and shall be assigned arbitrary points sufficient to indicate immediate and appropriate action by the Chief, Transportation Permits Branch at his discretion.

(See bulleted list in TPM Chapter 7, Section 702.2.4, pages VII-7 and VII-8)

Background

The CVC establishes the authority of the Department to withhold permits at its discretion. Furthermore, the purpose of the Compliance Program is to encourage full compliance through the enforcement of the

transportation permit terms and conditions. Enforcement action is taken through the implementation of suspensions for permit violations. The TPM assigns the responsibility of immediate action regarding gross violations to the Chief, Transportation Permits Branch. However, the TPM does not contain policy on implementing immediate suspensions for gross permit violations.

Transportation Permits Manual (TPM) Changes

- 1) Insert the following text:

702.7 IMMEDIATE SUSPENSION

An "immediate suspension" is defined as the immediate and indefinite withholding of all or part of a permittee's permit privileges. Immediate suspensions will terminate when the Region Manager determines that the permittee has adequately explained the circumstances that led to the violation, answered all of the Department's questions related to the incident, and taken steps to prevent similar incidents from happening in the future.

A Region Manager may, at his/her discretion, implement an immediate suspension for any gross permit violation listed in Section 702.2.4. The Region Manager shall notify the hauler of the immediate suspension via telephone and may request to meet with the hauler to discuss the violation. In addition, the region manager shall send a notice of immediate suspension to the hauler via certified mail. The letter must be typewritten on Department letterhead, and should include, but is not limited to the following information:

- *A description of the gross violation(s) that occurred, and the terms of the immediate suspension.*
- *Name of hauler, date, time, and location of the permit violation(s).*
- *A statement requiring a written explanation of the incident in which the following information must be provided by the hauler and sent to the region manager:*
 1. *A description of the circumstances that led to the violation.*
 2. *A list of actions that will be taken to prevent further incidents of this nature.*
- *An invitation to meet with the region manager (at the option of the Region Manager).*
- *A warning of increasingly severe action should subsequent suspensions occur.*

Upon completion of the suspension, the Region Manager shall notify the hauler via telephone. In addition, the Region Manager shall send a notice of reinstatement to the hauler via certified mail.

- 2) Delete the first paragraph of Section 702.2.4 and replace with the following text:

Gross violations are deemed to be the following:

- 3) Insert the following "gross violations" in Section 702.2.4:

- *Failure to comply with the orders or instructions on the face of the permit or its attachments.*
- *Any non-permitted action(s) leading to a collision with a state highway structure or appurtenance.*



RICH WILLIAMS, Chief
Transportation Permits

April 21, 2000

Date